
Board of Health Minutes 08/07/2014

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of August 7, 2014

Board Members Present:

Lucy Burton, Chair
Burton Kaplan, Co-Chairman
Kalliope Egloff, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Lucy Burton called the meeting to order at 7:00 PM.

APPOINTMENTS**7:15 PM – Keith Fernandes – Title V and Board of Health Septic Variances – Sea Oaks Condominium.**

Keith Fernandes of J.M. O'Reilly and Associates, representing Sea Oaks Condominium, introduced himself to the Board.

Mr. Fernandes stated that Sea Oaks Condominium is requesting to upgrade the remaining 8 septic systems to avoid replacing them individually every couple of years. Mr. Fernandes is seeking the same variance as was granted in 2012 to not install the reserve area at the same time as the primary. The other variance is for depth below grade. The soil is good material but varies with depth. All components will be H-20 rated and venting provided.

Kalliope Egloff made a motion that the Board of Health approve the two variances requested for Sea Oaks Condominium allowing the agent to review and approve the final plans if no other variances are requested. Burton Kaplan seconded the motion. The motion was unanimously approved.

7:20 PM – Peter McEntee – Title V Variance – 10 Shorewood Drive.

Peter McEntee of Engineering Works, representing 10 Shorewood Drive, introduced himself to the Board.

Mr. McEntee commented that the property at 10 Shorewood Drive has a single cesspool, and he is requesting a 37-foot variance to the required 100-foot setback from a wetland. A Sludgehammer Model S-46 System with an Ultra-Violet treatment are proposed. Mr. McEntee would like to add a gas baffle to make it a 2-compartment tank and an effluent filter as a preventative measure to get a cleaner effluent into the leaching system.

Mr. Harrington suggested that rather than disturbing the waterline, move the leaching slightly towards the wetlands and add a liner to the existing waterline. Waterlines can weaken with changes and could pose more of a problem.

Burton Kaplan made a motion that the Board of Health approve the variance requested for 10 Shorewood Drive with the conditions that an Operation and Maintenance Contract is required with two years nitrogen and e-coli sampling for the Denitrification System and Ultra-Violet Treatment respectively and approval of the baffle and the tank together with the effluent filter as requested. Sampling shall occur at the Distribution Box and the Distribution Box cover shall be to grade. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:25 PM – Floyd and Dawn Mooney – Request for Temporary Housing – 17 Ships Wheel Drive.

Glen Harrington commented that on July 3, 2014, the Board of Health received a complaint regarding a recreational vehicle parked in the yard and too many people living in the house at 17 Ships Wheel Drive. On July 18, 2014, a housing inspection was performed and confirmed that the recreational vehicle was occupied. On July 22, 2014, a letter was sent to the owners stating their rights regarding temporary occupancy. On July 25, 2014, the Board of

Health received a letter requesting permission for temporary occupancy. During the inspection, Mr. Mooney stated that 6 people were already living in the dwelling. This a 3-bedroom dwelling; therefore, it is at its maximum occupancy. Mrs. Mooney's parents were reported to occupy the recreational vehicle. The property is not in a Zone II and is not restricted on the number of bedrooms. If the Septic System were enlarged to accommodate more people in the dwelling, then a fourth bedroom could be approved.

Dawn Mooney of 17 Ships Wheel Drive introduced herself to the Board.

The Board members discussed options including the complaint, the septic issue, and the overcrowding.

Lucy Burton made a motion that the Board of Health deny the request for temporary housing at 17 Ships Wheel Drive with a deadline of October 1, 2014, to vacate. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:30 PM – Steven Cook – Title V Variance/Appeal of Board of Health's Decision – 55 Pequot Avenue.

Roger Brooks of Cotuit Bay Design, representing 55 Pequot Avenue, introduced himself to the Board.

Mr. Brooks stated that the Board of Health approved the variance request for a proposed garage with unheated storage above at 55 Pequot Avenue on July 17, 2014. Mr. Brooks is requesting to amend the Board's decision to allow heat on the second floor of the proposed garage. The homeowner intends to use the upper level of the garage as a wood working workshop and would like to install heat in the area so that he can work year round.

Kalliope Egloff made a motion that the Board of Health approve the Title V variance at 55 Pequot Avenue for no wet plumbing but run the gas line and allow the heated unfinished workspace with no doors at the bottom or top of the stairs to the second floor area. Burton Kaplan seconded the motion. The motion was unanimously approved.

7:35 PM – BSS Design – Title V Variance – 146 Popponesset Island Road.

Tom Bunker of BSS Design, representing 146 Popponesset Island Road, introduced himself to the Board.

Mr. Bunker commented that a variance is requested for a cellar wall of a proposed addition to be within 20 feet from the Soil Absorption System at 146 Popponesset Island Road. An impervious membrane is proposed to mitigate the variance. The existing septic system has a capacity for 5 bedrooms, and the number of bedrooms will not be increased.

Burton Kaplan made a motion that the Board of Health approve the request for the variance at 146 Popponesset Island Road to construct within 20 feet of the Soil Absorption System with the conditions that a septic inspection be performed due to the change in footprint, and the septic inspection report shall be provided to the Board of Health prior to the issuance of the Building Permit. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:40 PM – Michael Labute – Title V Variance – 24 Shipwreck Drive.

Glen Harrington stated that on August 16, 2013, Mike Labute was issued a septic permit to install an engineered septic design at 24 Shipwreck Drive. On July 18, 2014, Mr. Labute requested an inspection. Mr. Harrington performed the inspection and noticed that the stone and pipe trench had a big bend in it. Mr. Harrington questioned Mr. Labute, and Mr. Labute stated that he had to turn the trench to not be within 10 feet of the property line.

On July 19, 2014, Mr. Harrington received an email from Peter McEntee, the designer of the septic plan. Mr. McEntee stated that the trench was 8 feet from the side property line and was placed 11 feet away from where it should have originally been constructed. Mike Labute had backfilled the middle of the trench, so Mr. McEntee never saw the entire trench and did not realize there was a bend in it, which actually made it the correct length. The first engineered as built showed the trench was 11 feet off. The as built plan was re-drawn showing the accurate location of the trench. Mr. McEntee emailed a list of corrections to Mr. Harrington and Mr. Labute. Mike Labute made the corrections, and the end of the trench was brought back away from the side property line and moved the beginning of the trench back towards the septic tank to its correct location.

Glen Harrington commented that this is an after-the-fact variance requested by the installer, Mike Labute. The engineer, Peter McEntee designed it 10 feet from the eastern property line, but the leaching was not installed in its proper location. Mr. McEntee places swing-ties on his plans so contractors know where to layout the components.

Burton Kaplan made a motion that the Board of Health approve the three-foot variance requested for 24 Shipwreck Drive. Kalliope Egloff seconded the motion. The motion was unanimously approved.

The Board discussed options as to how to deal with the negligence of Mike Labute. The Board administered a stern

warning to Mr. Labute to stay in compliance with the approved plans.

Kalliope Egloff made a motion that the Board of Health issue Mike Labute a verbal warning. Burton Kaplan seconded the motion. The motion was unanimously approved.

NEW BUSINESS

1. Sign Expense Warrant. The Board members signed the expense warrant.

2. Review/Approve BOH Public Session Minutes: July 17, 2014.

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of July 17, 2014, as presented. Lucy Burton seconded the motion. The motion was unanimously approved.

3. Request for Residential Kennel: 44 Scituate Road – Kevin Mahoney.

Glen Harrington commented that the Town Clerk notified Kevin Mahoney that four dogs were licensed at his property at 44 Scituate Road and met the state requirement for a kennel. Mr. Mahoney attended the Mashpee Site Plan Review Committee meeting; and therefore, the Board must review and comment for the conditions of the kennel permit given by the Town Clerk. Mr. Mahoney stated at the Site Plan Review Committee meeting that the four dogs are pets. He does not plan to obtain a fifth dog nor does he intend to breed, buy or sell dogs commercially with the kennel permit. The dogs are kept in the house, but they do have an outdoor fenced in area. The dogs are up-to-date on all vaccinations and licenses. Mr. Mahoney submitted a site plan of the property at Mr. Harrington's request.

Burton Kaplan made a motion that the Board of Health approve the application for the Residential Kennel License at 44 Scituate Road with the condition that a maximum of four dogs be allowed. Kalliope Egloff seconded the motion. The motion was unanimously approved.

4. Request to Remove Title V Deed Restriction: 7 Park Road – London Wilmot.

Glen Harrington stated that on December 13, 2002, the Board of Health approved a septic design plan for a new one-bedroom dwelling at 7 Park Road. As the property was in a Zone II with 10,547 square feet, the dwelling was restricted to one bedroom. The Soil Absorption System was constructed for 182 gallons per day. A deed restriction was also required as the Soil Absorption System was constructed for less than the three-bedroom capacity. The Zone II's have been re-mapped and Park Road is no longer in Zone II. Therefore, the owner, at Mr. Harrington's suggestion, had written a request to rescind the deed restriction. As the septic system has a one-bedroom capacity, it will be considered one bedroom until engineering and a new septic permit to increase the size of the Soil Absorption System are provided.

Pam Wilmot, owner of 7 Park Road, introduced herself to the Board.

Mrs. Wilmot commented that a builder informed them that the deed restriction was removed, and a second bedroom was added.

Burton Kaplan made a motion that the Board of Health approve the request to remove the deed restriction on 7 Park Road subject to the applicant's attorney drafting the document to be recorded at the Registry of Deeds and subject to increasing the capacity of the septic system to accommodate the existing bedrooms prior to the sale. Kalliope Egloff seconded the motion. The motion was unanimously approved.

5. Variance Request from Board of Health Septic Regulation: 218 Wheeler Road – Ming Qun Xu.

Glen Harrington commented that on May 15, 2014, Shawn McElroy performed a septic inspection for property transfer purposes at 218 Wheeler Road. The inspection identified that the outlet manhole of the septic tank and the inlet manhole of the pump chamber did not have risers to within 6 inches of grade. A variance has been requested by the homeowner to not install the risers. Mr. McElroy provided reasons to grant the variance.

Kalliope Egloff made a motion that the Board of Health approve the variance request for 218 Wheeler Road to not install the risers until a repair or upgrade of the septic system is performed. Burton Kaplan seconded the motion. The motion was unanimously approved.

6. Request for 2014 Mobile Food Permit: Café a la Cart – William Hollinger.

Glen Harrington commented that a request for a new 2014 Mobile Food Permit has been requested by William Hollinger. The cart has been satisfactorily inspected, and the application, ServSafe Certificate, and Allergy Awareness Certificate have been provided. The commissary kitchen that will serve as a licensed facility is the Paddock Restaurant in Hyannis.

Kalliope Egloff made a motion that the Board of Health approve the 2014 Mobile Food Permit for Café a la Cart with the conditions that permission from the land owner and zoning office be obtained prior to operation at each desired operational location, in this case Mashpee Commons. Burton Kaplan seconded the motion. The motion was unanimously approved.

OLD BUSINESS**1. Refuse Regulation – Draft Amendments.**

Glen Harrington commented that at the meeting of June 19, 2014, the discussion on the draft amendment of the Refuse Regulation was continued to this meeting. Mr. Harrington discussed additional deletions, and the Board suggested other changes to the draft amendment of the Refuse Regulation. Mr. Harrington remarked that the Recycling Regulation contains information that would pertain to the Refuse Regulation.

The Board continued discussion on the draft amendment of the Refuse Regulation to the next Board of Health meeting scheduled on August 21, 2014.

ADDITIONAL TOPICS

None.

DISCUSSION**1. Household Hazardous Products Collection Day – August 16, 2014 – Mashpee High School.**

Kalliope Egloff commented that Catherine Laurent, Mashpee Department of Public Works Director, provides the paper shredder and staff to shred paper for the Household Hazardous Products Collection Day. Ms. Egloff remarked that attendance for the Household Hazardous Products Collection Day in other towns on Cape Cod has been greater than Mashpee's participation. The Household Hazardous Products Collection Day will take place on August 16, 2014, from 9 AM until 1 PM at Mashpee High School.

Burton Kaplan made a motion that the Board of Health adjourn the Public Session Meeting, to enter into Executive Session, not to return to the Public Session. Kalliope Egloff seconded the motion. The motion was unanimously approved.

Roll Call Vote: Lucy Burton, yes; Burton Kaplan, yes; Kalliope Egloff, yes.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, August 21, 2014, at 7:00 PM.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments